

By: Senator(s) Albritton

To: Judiciary, Division B

SENATE BILL NO. 2817

1 AN ACT TO AMEND SECTION 99-37-25, MISSISSIPPI CODE OF 1972,
2 TO REVISE RAPE KIT PAYMENT RESPONSIBILITY; TO AMEND SECTION
3 99-41-3, MISSISSIPPI CODE OF 1972, TO CLARIFY THE LEGISLATURE'S
4 INTENT IN PROVIDING FOR COMPENSATION TO VICTIMS OF CRIME; TO AMEND
5 SECTION 99-41-7, MISSISSIPPI CODE OF 1972, TO REVISE THE DUTIES OF
6 THE DIRECTOR OF VICTIM COMPENSATION; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** Section 99-37-25, Mississippi Code of 1972, is
9 amended as follows:

10 99-37-25. (1) (a) When a person is brought into a doctor's
11 office, a hospital or a medical clinic in this state by a law
12 enforcement agency as the victim of an alleged rape or sexual
13 assault, or comes into a doctor's office, a hospital or a medical
14 clinic in the state alleging rape or sexual assault against the
15 person which results in a criminal investigation, the bill for
16 the * * * medical forensic examination and the preparation of the
17 sexual assault evidence collection kit will be sent to the
18 Division of Victim Compensation, Office of the Attorney General.
19 The Division of Victim Compensation shall pay for the * * *
20 medical examination conducted for the procurement of evidence to
21 aid in the investigation and prosecution of the alleged offense.
22 Such payment shall be limited to the customary and usual hospital
23 and physician charges for such services in the area. Such payment
24 shall be made by the Division of Victim Compensation directly to
25 the health care provider. No bill for the * * * examination will
26 be submitted to the victim, nor shall the medical facility hold
27 the victim responsible for payment. However, if the victim
28 refuses to cooperate with the investigation or prosecution of the
29 case, the Division of Victim Compensation may seek reimbursement

30 from the victim. The victim may be billed for any further medical
31 services not required for the investigation and prosecution of the
32 alleged offense. In cases where the damage caused by the
33 alleged * * * sexual assault requires medical treatment or
34 diagnosis in addition to the * * * examination, the patient will
35 be given information about the availability of victim compensation
36 and the procedure for applying for such compensation.

37 (b) Upon application submitted by the district
38 attorney, provided the proper warrant or court order has been
39 issued, the county in which an offense of sexual assault or of
40 felonious abuse or battery of a child as described in Section
41 97-5-39, touching or handling a child for lustful purposes as
42 described in Section 97-5-23, exploitation of children as
43 described in Section 97-5-33 or sexual battery as described in
44 Section 97-3-95, or an attempt to commit such offense has occurred
45 shall pay for a medical examination of the person arrested,
46 charged or convicted of such offense to determine if the person so
47 arrested, charged or convicted has any sexually transmitted
48 disease. Such payment shall be made by the county directly to the
49 health care provider or other service performing the tests. The
50 results of such test shall be made available to the victim or, if
51 the victim is a child, to the guardian of the victim.

52 (2) Any defendant who is convicted of, or pleads guilty or
53 nolo contendere to, an offense in violation of rape, felonious
54 abuse or battery of a child as described in Section 97-5-39,
55 touching or handling a child for lustful purposes as described in
56 Section 97-5-23, exploitation of children as described in Section
57 97-5-33 or sexual battery as described in Section 97-3-95, or an
58 attempt to commit any such offense, shall be ordered by the court
59 to make restitution to the Division of Victim Compensation in an
60 amount equal to the compensation paid by the Division of Victim
61 Compensation to the victim or medical provider for the * * *
62 medical forensic examination and to the county for tests for

63 sexually transmitted diseases. Such restitution shall be in
64 addition to any restitution which the court orders the defendant
65 to pay the victim under the provisions of Chapter 37 of Title 99,
66 (Sections 99-37-1 through 99-37-21), Mississippi Code of 1972.

67 (3) The Division of Victim Compensation is hereby
68 authorized, in its discretion, to make application for and comply
69 with such requirements as may be necessary to qualify for any
70 federal funds as may be * * * available * * * as a result of
71 services rendered to crime victims under the provisions of this
72 section.

73 **SECTION 2.** Section 99-41-3, Mississippi Code of 1972, is
74 amended as follows:

75 99-41-3. It is the intent of the Legislature to provide a
76 method of compensating * * * those persons who are innocent
77 victims of criminal acts within the state and who suffer bodily
78 injury or death and of assisting victims of crime through
79 information referrals and advocacy outreach programs. To this
80 end, it is the Legislature's intention to provide compensation for
81 injuries suffered as a direct result of the criminal acts of other
82 persons. It is the further intent of the Legislature that all
83 agencies, departments, boards and commissions of the state and
84 political subdivisions of the state shall cooperate with the
85 Attorney General's Office in carrying out the provisions of this
86 chapter.

87 **SECTION 3.** Section 99-41-7, Mississippi Code of 1972, is
88 amended as follows:

89 99-41-7. There is hereby created in the Attorney General's
90 Office the Division of Victim Compensation, hereafter referred to
91 as "division." In the Division of Victim Compensation there is
92 hereby created the position of Director of Victim Compensation,
93 hereafter referred to as "director." The duties of the director
94 shall include receipt, investigation, verification and
95 adjudication of a claim for compensation under the provisions of

96 this chapter. The duties shall also include facilitating
97 assistance to victims of crime. The director shall be appointed
98 by the Attorney General.

99 **SECTION 4.** This act shall take effect and be in force from
100 and after July 1, 2005.